

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6691

BILL NUMBER: HB 1339

NOTE PREPARED: Dec 23, 2009

BILL AMENDED:

SUBJECT: Identification for Carryout Purchases.

FIRST AUTHOR: Rep. Bell

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: *Checking Identification:* The bill makes it a Class B misdemeanor for an alcoholic beverage permittee or permittee's employee or agent to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person alcoholic beverages for carryout without first requiring the person to produce proof that the person is at least 21 years of age by: (1) a driver's license; (2) a government-issued identification card; or (3) a government-issued document; that bears the person's photograph and birth date.

Defenses: The bill provides that it is a defense in a criminal or administrative proceeding that the individual to whom the alcoholic beverages were sold appeared to be at least 50 years of age. It also provides that in a criminal prosecution or proceeding before the Alcohol and Tobacco Commission, it is a defense to a charge of unlawfully furnishing alcohol to a minor that the purchaser produced a government-issued document bearing the purchaser's photograph and showing the purchaser to be at least 21 years of age.

Posting a Sign: The bill requires a permittee who sells alcoholic beverages for carryout to post a sign that informs consumers that state law requires a purchaser to produce identification to purchase alcoholic beverages for carryout.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: *Checking Identification:* There are no data available to indicate how many alcoholic beverage permittees may be convicted of this new Class B misdemeanor for recklessly, knowingly,

or intentionally selling, bartering, exchanging, providing, or furnishing alcoholic beverage for carryout without first requiring proof that the purchaser is at least 21 years of age.

Posting a Sign: Additionally, a violation of the state statute concerning alcohol and tobacco for which no other penalty is specified, is a Class B misdemeanor. There are no data available to indicate how many permittees may fail to properly post a sign concerning identification requirements for sales of alcoholic beverages for carryout and would be convicted of a Class B misdemeanor.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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